

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re

1633 BROADWAY MARS RESTAURANT
CORP.,

Debtor.

Case No. 08-CV-04543 (TPG)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

: ss.:

COUNTY OF NEW YORK)

Allison Decker, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides in Kings County, New York.

On June 2, 2008, deponent served true and correct copies of i) Notice of Motion of Appellant to Dismiss Docketed Appeal Without Prejudice; ii) Memorandum of Law in Support of Motion to Dismiss Docketed Appeal without Prejudice; iii) Declaration of Constantine D. Pourakis in Support of Appellant's Motion to Dismiss Docketed Appeal Without Prejudice; and iv) [Proposed] Order Dismissing Docketed Appeal Without Prejudice upon the attached service list by hand delivery.

Hofheimer Gartlir & Gross, LLP
530 Fifth Avenue
New York, NY 10036-5105
Attn: Scott R. Kipnis, Esq.
Nicholas B. Malito, Esq.

/s/Allison Decker
Allison Decker

Sworn to before me this
3rd day of June 2008

/s/Constantine D. Pourakis
Notary Public